Roger D. Ling, ISB #1018 Attorney at Law P. O. Box 623 Rupert, Idaho 83350

Telephone: (208) 436-4717 Facsimile: (208) 436-6804

John K. Simpson, ISB #4242 Travis L. Thompson, ISB #6168 Paul L. Arrington, ISB #7198 BARKER ROSHOLT & SIMPSON LLP 113 Main Avenue West, Suite 303 P.O. Box 485 Twin Falls, Idaho 83303-0485

Telephone: (208) 733-0700 Facsimile: (208) 735-2444

Attorneys for A&B Irrigation District

### BEFORE THE DEPARTMENT OF WATER RESOURCES

### OF THE STATE OF IDAHO

IN THE MATTER OF THE PETITION FOR DELIVERY CALL OF A & B IRRIGATION DISTRICT FOR THE DELIVERY OF GROUND WATER AND FOR THE CREATION OF A GROUND WATER MANAGEMENT AREA	) DOCKET NO. 37-03-11-1  AFFIDAVIT OF DAN TEMPLE IN SUPPORT OF A&B's MOTION FOR DECLARATORY RULING
STATE OF IDAHO ) ss.	
County of Minidoka )	

DAN TEMPLE, being first duly sworn, deposes and says:

1. This affiant is the General Manager of A & B Irrigation District ("A&B" or "District"), an irrigation district duly organized under the laws of the State of Idaho. That affiant has held this position since January of 1997, when he was appointed General Manager by

the Board of Directors of A&B. Between March 22, 1976 and January of 1997, this affiant worked for the District and held numerous positions from time to time during that period.

- 2. From the books and records of A&B, and from my personal knowledge in regard to the history and development of agricultural lands within Minidoka and Jerome Counties, Idaho, and I have personal knowledge of certain historical events that have occurred involving the Northside Pumping Division of the Minidoka Project.
- 3. The original Minidoka Project of the Bureau of Reclamation, formerly known as the Reclamation Service, was constructed to provide water for the irrigation of withdrawn federal lands for the what is now known as the North Side Gravity Division of the Minidoka Project (Minidoka Irrigation District) and the South Side Pumping Division of the Minidoka Project (Burley Irrigation District), which Projects were developed in the early 1900's. Water for these Projects consists of natural flow rights to the Snake River and storage rights in storage facilities constructed by the Bureau of Reclamation, including Lake Walcott (Minidoka Dam), American Falls Dam, Palisades Dam, and Jackson Dam and Reservoir.
- 4. In 1908, after construction of the Minidoka Project had been commenced, federal lands lying north and west of the North Side Gravity Division of the Minidoka Project (Minidoka Irrigation District), located in Minidoka and Jerome Counties, were withdrawn from public entry when a preliminary study was made for the development of these federal lands under what was known as the "North Side Pumping Division" of the Minidoka Project. Additional studies were undertaken by the Bureau of Reclamation in 1917, but no land was developed under the North Side Pumping Division for reasons that mostly storage water was needed for the irrigation of these lands, that the development costs were greater than they were for other Project lands, there was no immediate need for more lands for agricultural purposes and

additional water was needed for lands already developed as part of the Minidoka Project.

- 5. Between 1918 and 1921, detailed investigation for the possible development of the North Side Pumping Division was again undertaken by the Bureau of Reclamation. The 1918-1921 reports contemplated pumping water from Lake Walcott (Minidoka Dam and Reservoir) for these withdrawn lands with the primary source of water being water stored in a new reservoir on the Snake River authorized by Congress, named the American Falls Reservoir. However, after construction of the American Falls Reservoir, funds appropriated for the North Side Pumping Division of the Minidoka Project were transferred to the Gravity Extension Division of the Minidoka Project then being constructed, to provide water to the Gooding, Idaho area. At the same time a large portion of the water reserved in American Falls Dam was allocated to the Gravity Extension Division.
- 6. Studies and investigations continued in regard to the development of the North Side Pumping Division of the Minidoka Project, including eventual studies for authorization and construction of Palisades Reservoir. By 1947, preliminary investigations by the Bureau of Reclamation had established that of the 114,400 acres of public lands that had been withdrawn for development under the North Side Pumping Division of the Minidoka Project, most of them had been classified in detail and it had been determined that it was feasible to irrigate approximately 13,650 acres of said Division with surface water from the Snake River and approximately 64,000 acres, known as "Unit B", with ground water diverted from wells. Recent private development and the need of land for veterans returning from the Second World War evidenced the need for additional agricultural lands. The Bureau of Reclamation then proceeded to prepare a plan of development, which included an Application for a Permit to divert ground water at the rate of 1,333.28 cfs, dated September 9, 1948, for the irrigation of 66,664.3

acres by means of a series of wells, with each well to have its own separate pump and distribution system to deliver waters to the acreage to be served by that individual well. This Application for Permit was approved by the State Reclamation Engineer (now known as Director of the Department of Water Resources) on November 5, 1948.

- 7. After reports were prepared for submission to Congress to obtain authorization for this Division of the Minidoka Project, the Commissioner of Reclamation filed his report and recommendation as House Document No. 721 with the 81<sup>st</sup> Congress, Second Session, to support Congressional authorization. The North Side Pumping Division of the Minidoka Project was approved on September 30, 1950 (65 Stat. 1083) by the United States Congress, for construction under the provisions of the Reclamation Act of 1902.
- 8. The Permit obtained by the Bureau of Reclamation, Department of the Interior, United States of America, to divert ground water with a priority of September 9, 1948, by which water was acquired for the irrigation of Unit B of the North Side Pumping Division of the Minidoka Project, was confirmed and a license issued for the diversion of 1100 cfs diverted from 177 separate wells for the irrigation of 62,604.3 acres. This water right has been confirmed by a Decree issued by the Snake River Basin Adjudication ("SRBA") District Court. *See* Exhibit A.
- 9. Farm units containing from 80 to 160 irrigable acres were made available pursuant to public land openings and drawings for homestead entries within the North Side Pumping Division of the Minidoka Project, with veterans receiving a preference. Approximately 700 farm units were drawn for development by individuals, each of whom signed a recordable contract by which the homesteader would ultimately obtain legal title to his farm unit and the right to receive water under the water right acquired by the Bureau of Reclamation.

- 10. Pursuant to provisions of the Reclamation Act of 1902, the landowners of the Division formed an irrigation district pursuant to title 43 of the Idaho Code, which district encompassed all of the farm units developed under the North Side Pumping Division of the Minidoka Project. Upon A & B Irrigation District being formed by landowners of irrigable lands within the North Side Pumping Division by a petition, election and court order, a Board of Directors was elected and a repayment contract was entered into between the irrigation district formed by the landowners and the Bureau of Reclamation, dated November 27, 1961 and signed on February 9, 1962, whereby the irrigation district agreed to accept the transfer of the operation and maintenance of the North Side Pumping Division of the Minidoka Project to the irrigation district. All recordable contracts of the individual landowners within A&B were superseded by the repayment contract entered into by A&B, effective December 31, 1962. Operation of the North Side Pumping Division of the Minidoka Project, since the effective date of the above repayment contract, has been carried out by the District. Operation and maintenance by the irrigation district includes the obligation of the District to collect assessments from the landowners for repayment of the construction costs of the Project and for operation and maintenance of the Project.
- 11. As the Manager of A&B, this affiant has been directly involved in the supervision of the water measurement of aquifer levels throughout the District at locations where the District operates deep wells for the diversion of water for the irrigation of lands within the District and to which the water rights of the District are appurtenant. In performing this function for the District, affiant has been personally involved in supervising the measurement of static ground water tables at most of the locations of its 177 deep wells, measuring the static water table in the aquifer in the early Spring and again in the Fall. In addition to these measurements,

this affiant supervises the measurement of ground water tables of the aquifer within the irrigation district in July, at a time that the irrigation district is normally at its peak diversion of ground water for irrigation. This affiant has observed that the static ground water tables measured by the District each year mirror the raising and lowering of ground water tables that occur in July, on the average.

- 12. Attached to this Affidavit is a hydrograph showing the average low July pumping level of the Eastern Snake Plain Aquifer from which A&B diverts water from its 177 wells for irrigation of lands within the District. *See* Exhibit B. As the attached hydrograph clearly demonstrates, ground water tables have steadily declined since 1976, even though there was a partial recovery as the result of a series of wet, above-average years of precipitation that occurred from 1981 to 1984, and again from 1995 to 1997.
- includes at each well site a drilled well, pumps and motors, and control equipment, all of which are commonly referred to as the "well" or "diversion facility at each well." Since 1997, this affiant has, as Manager, been responsible to insure that normal maintenance and repairs are made each year to each well which includes the elements and fixtures above referred to. From 1998 through 2007, A&B has incurred an average well repair and maintenance cost of \$122,626.00 per year. In addition to these normal maintenance and repair costs to the wells, consisting primarily of repairs and replacements of pumps or motors, during 1995 through the year 2006, the District has expended an additional \$2.476 million in well rectification consisting of increasing horsepower, retrofitting pumps and bowls, and deepening wells, in the District's chase to ground water that exists at lower levels, resulting in an additional cost averaging nearly \$206,000.00 per year, over and above normal operation and maintenance of the well system.

Notwithstanding these substantial expenses being incurred by the District, the District has been unable at many of its wells to maintain the production of the well while pumping at a lower level, resulting in the maximum diversion capacity from the District's wells to have decreased an average of 12% from the historical diversion to which the District is entitled to divert water from the wells pursuant to its decreed water right. This reduction in maximum capacity to divert ground water as the result of the lowered ground water table has occurred notwithstanding the fact that the District expended in the years 2002 through 2005 over \$1 million in drain well rectification to curtail the return of waste water to the aquifer, reduce operational waste and to increase the reuse of such operational waste water to mitigate, in part, the result of declining ground water tables caused, in part, by the pumping by junior ground water appropriators.

14. The Director, in his Order of January 29, 2008, in findings of fact Nos. 134 and 135, attempts to show that the costs incurred by A&B as the result of declining ground water tables are normal costs, by misrepresenting data, ignoring data, and general misrepresentation of facts. As this affiant has shown, the District is incurring nearly \$122,000.00 a year in normal maintenance and repair of its well system, and is incurring additional expenses rectifying its diversion facilities to obtain the water to which it is entitled from a lower level which is averaging up to \$206,000.00 per year, for a total cost of maintaining and repairing the well system of nearly \$329,000.00 a year. The Director, notwithstanding a clear explanation by this affiant to several members of his staff within IDWR working on this issue that the costs to rectify wells, pumps and motors is in addition to the normal maintenance and repair of the well system, implies in his finding that the total cost incurred in maintaining, repairing and rectifying the well system by A&B each year is approximately \$152,000.00 per year (an early estimate by A&B). The Director then further distorts the facts when he quotes estimates from a 1955

definite plan report prepared by the Bureau of Reclamation that the estimate for the future average annual replacement costs of irrigation wells will be \$43,250.00. This again is an absolute and clear misstatement of the facts. These estimates, which from my experience, are nothing more than estimates, clearly point out that the estimate for replacement costs of the irrigation wells include drilling and testing, fencing around the wells, pumps and motors, and control equipment, were estimated at a "long-range price level." The Bureau of Reclamation itself, on page 95 of the 1955 Definite Plan Report, in addressing the annual replacement cost estimates, stated: "This estimated annual cost is based on straight-line depreciation over the estimated life of the replaceable items. The annual amount estimated at current price levels has been adjusted to a long-range price level comparable with the price level used in the estimates of farm income." See Exhibit C. This estimate was clearly not an estimate that the replacement costs over the 100-year life of the system would be \$43,250.00 per well, at 1955 prices. In fact, the estimated cost for each well in that 1955 report had an average cost of \$19,011.00 per well, which includes well, pump, motor, etc.

15. A&B has experienced, in attempting to recover its diversion requirements by deepening of wells, that a deepening of a well in many occasions will not increase the production of the well to the level that production was obtained at historical ground water pumping levels. When this occurs, it is necessary for the District to throttle the pump in a well to insure that it does not pump more water than the well will produce, which causes the pump to operate above the water table, causing the pump to lose its prime and fail to pump any water or cause significant damage to the pump.

<sup>&</sup>lt;sup>1</sup> The agency record produced by the Department includes parts of the 1955 Definite Plan Report (A&B at 425-489), but not the entire report, including portions cited to by the Director in his January 29, 2008 Order. The pages referred to by the affiant are attached hereto for the Hearing Officer's review.

depend upon water to be provided from A&B for the irrigation of lands, have exercised and adopted conservation measures that have, at times, reduced the total annual volume of water necessary for the crops being grown by them, such conservation measures have not, cannot, and will not, reduce the rate of diversion of water required by the landowner during the peak of the irrigation season, and a reduction in the maximum diversion rate allowed by the District's decreed Water Right No. 36-2080 will, and often does, cause irreparable harm to the crops of the landowners as a result of the inability to get water to the growing crop during a time when the water demands of the crop are at their highest.

FURTHER THIS AFFIANT SAYETH NAUGHT.

Dan Temple

SUBSCRIBED AND SWORN to before me this

\_ day of March, 2008,

Notary Public, State of Idaho Residing at: Rupert, Idaho

My Commission expires: 3-24-2009

## **CERTIFICATE OF MAILING**

I hereby certify that on this ZLE day of March, 2008, the above and foregoing, was sent to the following by U.S. Mail proper postage prepaid and by email for those with listed email addresses:

Hon. Gerald F. Schroeder c/o Victoria Wigle IDWR P.O. Box 83720 Boise, ID 83720 victoria.wigle@idwr.idaho.gov fcjschroeder@gmail.com	Randall C. Budge Candice M. McHugh Racine Olson PO Box 1391 201 E Center Street Pocatello ID 83204-1391 rcb@racinelaw.net cmm@racinelaw.net	Sarah A. Klahn White & Jankowski LLP 511 Sixteenth Street, Suite 500 Denver, CO 80202 sarahk@white-jankowski.com
B.J. Driscoll McGrath Meacham Smith PLLC 414 Shoup PO Box 50731 Idaho Falls ID 83405 bjd@eidaholaw.com	Steve L Stephens Butte Co Prosecuting Attorney 260 Grand Ave PO Box 736 Arco ID 83213	Fred & Phyllis Stewart 300 Sugar Leo Road St George UT 84790
Michael Patterson, President Desert Ridge Farms Inc. PO Box 185 Paul ID 83347	City of Firth PO Box 37 Firth ID 83236	Todd Lowder 2607 W 1200 S Sterling ID 83210
Neil and Julie Morgan 762 W Hwy 39 Blackfoot ID 83221	Charlene Patterson Patterson Farms of Idaho 277 N 725 Lane W Paul ID 83347	William A. Parsons Parsons Smith Stone LLP 137 West 13 <sup>th</sup> St PO Box 910 Burley ID 83318 wparsons@pmt.org
A. Dean Tranmer City of Pocatello PO Box 4169 Pocatello ID 83201 City of Pocatello dtranmer@pocatello.us	Winding Brook Corp c/o Charles W Bryan Jr UBS Agrivest LLC PO Box 53 Nampa ID 83653	James C. Tucker Idaho Power Company 1221 West Idaho Street Boise, ID 83702-5627 jtucker2@idahopower.com

Lary S Larson	Jo Beeman, Esq.	City of Basalt
Hopkins Roden Crockett Hansen &	Beeman & Associates	PO Box 178
Hoopes	409 W Jefferson	Basalt ID 83218
PO Box 51219	Boise ID 83702	
Idaho Falls ID 83405-1219	jo.beeman@beemanlaw.com	

M. Jay Meyers Myers Law Office 300 N 7 <sup>th</sup> Ave PO Box 4747 Pocatello ID 83205	John J. Hockberger Jr. Kathleen Marion Carr Office of the Field Solicitor US Dept of the Interior 960 Broadway Ave Ste 400 Boise ID 83706 kmarioncarr@yahoo.com	LaDell and Sherry Anderson 304 N 500 W Paul ID 83347
Denise Glore, Attorney Office of Chief Counsel US Dept of Energy 1955 Fremont Ave MS 1209 Idaho Falls ID 83415-1510 gloredm@id.doe.gov	Mary Ann Plant 480 N 150 W Blackfoot ID 83221	O.E. Feld & Berneta Feld 1470 S 2750 W Aberdeen ID 83210
Jeff Feld 719 Bitterroot Dr Pocatello ID 83201	Eugene Hruza PO Box 66 Minidoka ID 83343	Jerry R. Rigby Rigby Andrus and Moeller 25 N 2 <sup>nd</sup> East Rexburg ID 83440 jrigby@rex-law.com
Robert E. Williams Fredericksen Williams Meservy & Lothspeich LLP 153 E Main St PO Box 168 Jerome ID 83338 rewilliams@cableone.net	Gregory P. Meacham McGrath Meacham & Smith PLLC 414 Shoup Idaho Falls ID 83405	Richard J. Kimmel 867 N. 800 East Shelley, ID 83274
James S. Lochhead Michael A. Gheleta Brownstein Hyatt Farber Schreck P.C. 410 Seventeenth Street Suite 2200 Denver, CO 80202 jlochhead@bhfs.com mgheleta@bhfs.com	F. Randall Kline P.O. Box 397 427 N. Main St. Pocatello, ID 83204	City of Castleford P.O. Box 626 300 Main Castleford, ID 83321

Travis L. Thompson

## **EXHIBIT A**

## RECEIVED MAY - 8 2003

DISTRICT COURT-SRBA TWIN FALLS CO., IDAHO FILED

Department of Water Resources

2003 MRY 7 PM 2 53

# IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	ORDER OF PARTIAL DECREE
	For water rights: 36-02080, 36-15127A, 36-
Case No. 39576	15127B, 36-15192, 36-15193A, 36-15193B, 36-
Case 110. 37370	15194A, 36-15194B, 36-15195A, 36-15195B, 36-
	) 15196A and 36-15196B;
	ORDER DISALLOWING WATER RIGHT
	) CLAIMS
	) For water rights: 36-15127, 36-15193, 36-15194,
	) 36-15195 and 36-15196.
	)
	<del>uuulun 1 -</del>

On October 8, 2002, a *Special Master's Report and Recommendation* was filed for the above-captioned water rights. On December 4, 2002, A & B Irrigation District, through counsel, filed a *Notice of Challenge* to the *Special Master's Report and Recommendation*. On April 25, 2003, this Court entered its *Order on Challenge* denying A & B Irrigation District's challenge.

THEREFORE, IT IS ORDERED and ADJUDGED that water rights 36-02080, 36-15127A, 36-15127B, 36-15192, 36-15193A, 36-15193B, 36-15194A, 36-15194B, 36-15195A, 36-15195B, 36-15196A and 36-15196B are hereby decreed as set forth in the attached *Partial Decree(s) Pursuant to I.R.C.P. 54(b)*.

IT IS FURTHER ORDERED AND ADJUDGED that water right claim 36-15127, 36-15193, 36-15194, 36-15195 and 36-15196 are hereby disallowed with prejudice and shall not be confirmed in any partial decree or in any final decree entered in the SRBA, Case No. 39576, in whatever form that final decree may take or be styled.

## **RULE 54(b) CERTIFICATE**

With respect to the issues determined by the above judgment or order it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED: May 7, 2003

ROGER S. BURDICK

Presiding Judge

Snake River Basin Adjudication

DISTRICT COURT - \$\frac{8828}{2002}\]
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE COURT STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS CO., !DAHO

NAME AND ADDRESS:

UNITED STATES OF AMERICA ACTING THROUGH

REGIONAL DIRECTOR PN REGION BUREAU OF RECLAMATION 1150 N CURTIS RD SUITE 100 ROISE ID 83706-1234

THE BENEFICIAL USE OF THE WATER REPRESENTED HEREBY IS FOR THE LANDOWNERS WITHIN THE A & B IRRIGATION DISTRICT PURSUANT TO CONTRACT NO. 14-06-100-2386, DATED FEBRUARY 9, 1962 (AS MAY BE SUPPLEMENTED OR AMENDED) BETWEEN THE UNITED STATES OF AMERICA THROUGH THE U.S. BUREAU OF RECLAMATION AND THE A & B IRRIGATION DISTRICT FOR IRRIGATION AND OTHER PERMITTED PURPOSES AS AUTHORIZED BY THE ACT OF SEPTEMBER 30, 1950, CH. 1114, 64 STAT. 1083, OF THE NORTH SIDE PUMPING DIVISION, OF THE MINIDOKA IRRIGATION PROJECT.

SOURCE:

GROUND WATER

TRIBUTARY:

QUANTITY:

1,100,000 CFS 250,417.20 AFY

THE RIGHTS LISTED BELOW ARE LIMITED TO A COMBINED TOTAL DIVERSION RATE OF 1100 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 266,744.8 ACRE FEET IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 36-2080. 36-15127A. 36-15127B. 36-15192B. 36-15193B. 36-15194B. 36-15195B. 36-15195B. 36-15196B.

PRIORITY DATE:

09/09/1948

#### POINT OF DIVERSION:

T07S R23E S34 NWSESW Lot 99 Within MINIDOKA County T07S R23E S34 NWSESW Lot 99 Within MINIDOKA County T07S R24E S22 NWSWSW Lot 96 Within MINIDOKA County T07S R24E S22 NWNWSE Lot 98 Within MINIDOKA County T07S R24E S22 NESESE Lot 97 Within MINIDOKA County T07S R24E S23 NWSWNE Lot 99 Within MINIDOKA County T07S R24E S26 NWSENE Lot 99 Within MINIDOKA County T07S R24E S26 NENWSW Loi 94 Within MINIDOKA County T07S R24E S28 NWSWNE Lot 98 Within MINIDOKA County T07S R24E S28 NWSWNE Lot 98 Within MINIDOKA County T07S R24E S30 SWNWSE Lot 99 Within MINIDOKA County T07S R24E S30 SWNWSE Lot 99 Within MINIDOKA County T07S R24E S31 NWSWNE Lot 99 Within MINIDOKA County T07S R24E S32 SWSENE Lot 97 Within MINIDOKA County T07S R24E S32 SWSENE Lot 97 Within MINIDOKA County T07S R24E S33 SENWSE Lot 98 Within MINIDOKA County T07S R24E S33 SENWSE Lot 98 Within MINIDOKA County T07S R24E S34 SWSENW Lot 98 Within MINIDOKA County

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T10S R23E S6 NWSWSE Lot 92 Within MINIDOKA County
T10S R21E S2 SWNWSW Lot 95 Within JEROME County
T10S R22E S3 SENWSW Lot 91 Within MINIDOKA County

THE FOLLOWING CONVENTION IS USED TO CONVERT THE GOVERNMENT LOTS LISTED IN THE ABOVE POINTS OF DIVERSION TO THE OFFICIAL US GOVERNMENT TRACT DESIGNATION: LOT199 = TRACT A. LOT 98 = TRACT B. LOT 97 = TRACT C. LOT 96 = TRACT D. LOT 95 = TRACT E. LOT 94 = TRACT F. LOT 93 = TRACT G. LOT 92 = TRACT H. LOT 91 = TRACT J. LOT 90 = TRACT K. LOT 89 = TRACT L. LOT 88 = TRACT M. LOT 87 = TRACT N. LOT 86 = TRACT O. LOT 85 = TRACT P. LOT 84 = TRACT O. LOT 83 = TRACT R. LOT 82 = TRACT S.

THE FOLLOWING POINTS OF DIVERSION EACH HAVE TWO WELLS:
T07S, R23E, SEC 34, NWSESW - MINIDOKA, T07S, R24E, SEC 28, NWSWNE, SEC
30, SWNWSE, SEC 32, SWSENE; SEC 33, SENWSE; SIC 35, SWSWSE - MINIDOKA,
T08S, R21E, SEC 26, NWSENE; SEC 33, SENWSE; SIC 35, SWSWSE - MINIDOKA,
T08S, R21E, SEC 35, SWSWSE - MINIDOKA,
T08S, R23E, SEC 35, SESESE - JEROME, T08S, R22E, SEC 35,
NESENE; SEC 12, SWSWNE; SEC 11, NENWNE; SEC 04, SWSWSW; SEC 05,
NESENE; SEC 12, SWSWNE; SEC 19, NWSWSE; SEC 24, NWSWSW; SEC 24,
NESESW; SEC 28, NWSWSW; SEC 19, NWSWSE; SEC 23, SWNWSW; SEC 24,
NESESW; SEC 04, NESWSW; SEC 11, SWNENW; SEC 13, NWNWNE; SEC 31,
SWSENE; SEC 04, NESWSW; SEC 11, SWNENW; SEC 13, NWNWNE; SEC 31,
SWSESW - MINIDOKA, T08S, R25E, SEC 03, SENENW; SEC 03, NWNWNW; SEC 05,
NWNENE; SEC 06, NENESE; SEC 12, NWNWNW; SEC 15, NWSWSW; SEC 19,
NENWNE; SEC 18, NESWSE; SEC 23, NWNWNW - MINIDOKA, T09S, R22E, SEC 9,
NENESW; SEC 18, NESWSE; SEC 33, SENESE - MINIDOKA,

THE FOLLOWING POINT OF DIVERSION HAS THREE WELLS: T09S, R22E, SEC 03, NWSESE - MINIDOKA.

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

IRRIGATION

04/01 10/31

1,100.000 CFS 250.417.20 AFY

ما <del>وسلم معها السروي</del>ي و المرازي عام الماني المسلم عند إلى الماني الماني المرازي المرازي المرازي الم

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT ENCEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:

PLACE OF USE WITHIN THE BOUNDARY OF A & BIRRIGATION DISTRICT SERVICE AREA, PURSUANT TO SECTION 43-323, IDAHO CODE.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 62.604.3 ACRES WITHIN THE A & B IRRIGATION DISTRICT BOUNDARY IN A SINGLE IRRIGATION SEASON.

SRBA PARTIAL DECREE PURSUANT TO LR.C P 54(b)

THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 66,686.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 36-2080, 36-15127A, 36-15127B, 36-15192, 36-15193A, 36-15193B, 36-15194A, 36-15194B, 36-15195A, 36-15195B, 36-15196A, 36-15196B.

#### OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

#### RULE 54(b) CERTIFICATE

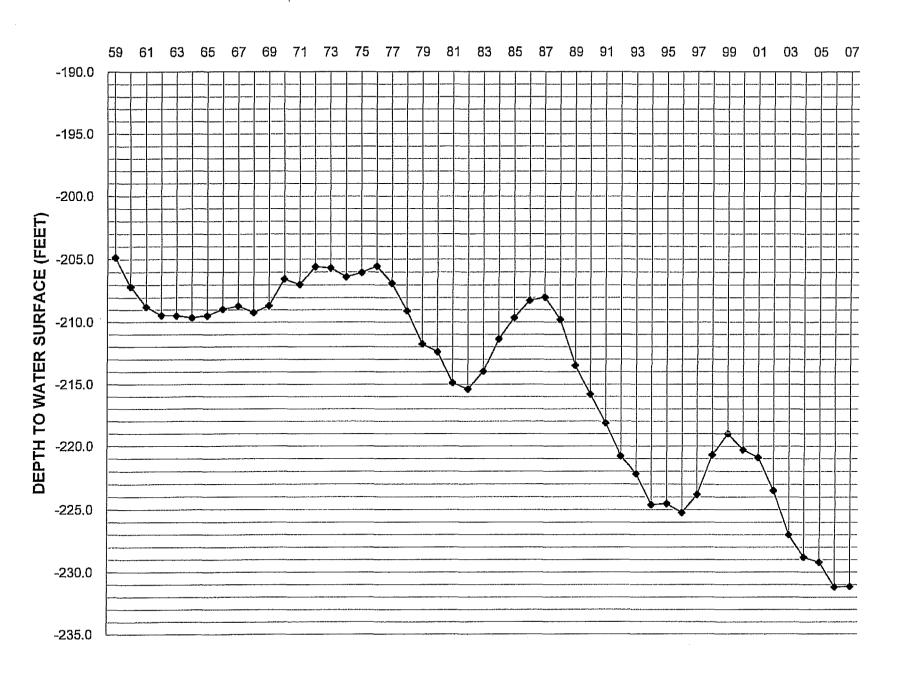
With respect to the issue determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), J.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

ROGER BURDICK Administrative District Judge Presiding Judge of the Snake River Basin Adjudication

## **EXHIBIT B**

## **A&B IRRIGATION DISTRICT**

Average Low July Pumping Depth 1959-2007



# **EXHIBIT C**

## UNITED STATES DEPARTMENT OF THE INTERIOR

DOUGLAS MCKAY, Secretary

BUREAU OF RECLAMATION

WILBUR A. DEXHEIMER, Commissioner

REGION 1

H. T. NELSON, Regional Director

MINIDOKA PROJECT
NORTH SIDE PUMPING DIVISION

DEFINITE PLAN REPORT

Volume I - General Plan

Boise, Idaho February-1955 The difference (\$881,000) between \$11,395,000, the total project cost, and \$10,514,000 is the net figure of nonappropriation transfers yet to be transferred to the project from Palisades and American Falls Reservoir.

The present program contemplates the completion of construction of all irrigation works by the close of the calendar year 1957 in accordance with the following schedule:

Well Group No.	No. of wells	No. of Farms	Total Acres	Year Irrigation is Available
1 2 3 4 & Unit A 5, 6 & 7	16 22 30 32 <u>75</u> 175	72 85 94 215 229 695	7,334 8,784 10,648 24,547 <u>26,373</u> 77,686	1954 1955 1956 1957 1958

There will be some drainage construction necessary after the close of calendar year 1957. At the present time 70 wells have been drilled of a total of 100 which have been placed under contract. It is contemplated to include the remaining 75 wells in contracts at the beginning of F.Y. 1956. This will allow drilling far enough in advance of the purchase of pumps and motors to facilitate prior tests for well capacity. In the past the pumps have been ordered for some of the wells before they were drilled. It should be noted that the capacity of individual wells is based on their respective service areas and not on anticipated well capability. Past experience shows that wells in the area are capable of any desired capacity, commensurate with the size of pumps that can be installed, when drilled to adequate depth.

The storage space in American Falls Reservoir set aside for Unit A under Public Law 864 is currently leased to establish irrigation enterprises. When Palisades Reservoir, which is now under construction, is completed, the leases covering this space will have terminated and space made available to the unit. The present construction schedule calls for termination of these leases at the close of the 1956 irrigation season. The pumping plants, canal, and laterals of Unit A are, therefore, scheduled for completion by the close of the first half of fiscal year 1957, allowing settlement of Unit A area of 13,650 acres in the fall of calendar year 1956.

### OPERATION AND MAINTENANCE

In estimating the cost of operating and maintaining the irrigation facilities of the North Side Pumping Division, consideration has been

Start

#### Plans and Estimates

given to the current cost of operating the North Side Pumping Division and of operating comparable projects; the organization which will be required; and the type of facilities included in the project works. The organization contemplated will consist of a manager, watermaster, two operators for the main pumping plant in Unit A, approximately 15 ditch riders, and a maintenance crew. So far as practicable, employment will be on a year-round basis, utilizing men employed for operating functions during the irrigation season to repair and overhaul the pumping equipment during the winter months.

On the basis of the forecasted long-range price level currently employed in determining payment capacity of the project lands, it is estimated that average annual operation and maintenance costs of the irrigation facilities of the Division will be \$2.40 per acre.

Power for irrigation pumping on the Division will be transmitted to the high-voltage side of Bureau substations at the pumps by the Idaho Power Company. Pending completion of negotiations with the Company the power cost is based on 4.0 mills per kw.-hr. The estimated average annual power requirement of the Division is 95,958,000 kilowatthours, which at the above estimated rate will cost \$383,800, or an average of \$4.94 per acre of irrigable land. This estimated average annual power cost is based on power requirements shown in table 16.

#### ANNUAL REPLACEMENT COSTS

Provision has been made in the estimate of annual operating costs to cover the average annual amount that would be required to replace the property items needing replacement during the payout period, table 17. This estimated annual cost is based on straight-line depreciation over the estimated life of the replaceable items. The annual amount estimated at current price levels has been adjusted to a long-range price level comparable with the price level used in the estimates of farm income.

## TRANSITIONAL IRRIGATION DEVELOPMENT

Prior to the availability of Palisades power in 1957, energy for irrigation pumping will be provided as described in the second paragraph on page 91. Present indications are that energy from these sources will cost considerably more than Palisades power when it becomes available. The assessment of the full amount of annual operation and maintenance charges, during the initial years of project development,

### Plans and Estimates

Table 17 .-- Summary of average annual replacement costs

## North Side Pumping Division Minidoka Project

Feature	Average Annual Replacement Cost (Long-Range Price Level)
American Falls Reservoir	60
Palisades Reservoir	480
Pumping Plant - Unit A	8,000
Irrigation Wells	43,250
Main Canal - Unit A (Structures)	320
Lateral Structures	3,550
Drainage Structures	330
Pump Substations	30,200
General Property	21,300
Total	\$ 107,490
Rounded to	107,500
Average Annual Cost Per Acre	\$ 1.38

would result in excessively burdensome charges. In order to avoid this condition it is proposed to set the annual charges during the initial years of project operation at a level which will be consistent with the annual charges after Palisades power becomes available.

This will leave an unpaid balance in the power account of \$33,000 in F.Y. 1956 and \$22,000 in F.Y. 1957 or a total of \$55,000.

LINITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF REGLAMATION

## OFFICIAL ESTIMATE

Project: Minidoka North Side Pumping Division

Date of Estimate: Pebruary 1955

Sheet Lof \_\_6\_

rrepared by:	W. M. S. MANAGER ST. APPROVED BY: 77 PAR. 272-272			V		·			Э1	661_2_012_
Uniform Cost Classification	DESCRIPTION	Quantity	Unit Cost	Total Estimate	Construction Contracts	Materials and Supplies	Labor	Gonstruction Facilities	Olher Costs	Previous Official Estimate
(1)	7 / 7 - J + D / D / P / (2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
<del></del>	1 Co. The company Brokery								,	
	- 第三(14) 14									
	UNITE A CONTROL OF SECTION OF SEC									
03.01	Main Pumping Plant : 12 1 12 22 22 22 22 22 22 22 22 22 22 2			952,800	551.015	172,785		5,000	224,000	962,700
	स्यान्य क्षेत्र के अपने क्षेत्र									
05.01	Hein Causi			B4.000	57,000			2,000	25,000	122,000
	,									
06.10	Laterals	1	1	536,000	364,000	11.000		1,000	160,000	590,000
						<u> </u>		1	L	
07.02	Drains			59,000	12,400	14,800	15,800	2,000	14,000	59,000
					Ļ			1		
14.08	Pumping Bubatations		ļ	20,000	8,000	10,600			1,400	20,000
							n			
	Bubtotal - Unit A	<b></b>		1,651,800	992,415	209,185	15,800	10,000	424,400	1,753,700
					ļ			<del> </del>		ļ
	MILE B		1	<u> </u>		<b></b>				
Q4	Deep Wells			3,472,114	1,008,373 (69,924)	2,109,901	,46,B40	15.000	295,000	7,326,942
,0),	Group 1, 16 vells			(342,634)	(69,924)	(211,071)		(1,200)	(59,500)	
.02	Group 2, 22 wells	ļ		(413,774)	(107,293)	(591.501)	(8,780)	(1,400)	(35,100)	ļ
.03	Group 3, 30 wells			(523,300)	(164,000)	(312,000)	(1,200)	(1,800)	(44,300)	
.04	Group 4, 32 vells		<b></b>	(583,780)	(168,340) (185,400)	(362,560)	(1,280)	(2,000)	(49,600)	
.05	Group 5, 30 wells		]	(592,310)	(185,400)	(353,210)	(1,200)	(2.100)	(50,400)	
.06	Group 6, 17 wells			(447,740)	(128,000)	(279,460)	(680)	(1,600)	(38,000)	
,07	Group 7, 28 walls		1	(552,685)	(174,600)	(328, 265)	(1,120)	(1,800)	(46,900)	
.10	Charryation vells	J	1	(15,891)	(10,816)	(2,134)	(1,341)	(100)	(1,500)	
			<del>  </del>	2 5/2 500	3 100 076	10.000	35 000	1		
06	Interals		ļ		1,190,916	18,200	13,884	4,000	335,000 (48,900)	1,441,458
01	Oroug 1	<u> </u>		(229,221) (161,179)	700.0(1)	/5 /5-X	(13,650)	(600)	(48,900)	
.02	Oropp 2			101-179	(166,071) (123,445) (155,000)	(2,600)	(234)		(34.500) (42.500)	
03	Group 3		<del>                                     </del>	(198,000)	(218,000)			(500)	(42,500)	
04	Group 4		$\vdash$	(278,700)		75-5-5	ļ	(700)	(60,000)	
.05	Chroup 5	<del> </del>	<del>  </del>	(278,700)	(210,200)	(7.800)	ļ	(700)	(60,000)	
.06	Group 6	-	$\vdash$	(187,700) (228,500)	(139,200) (179,000)	(7,800)		(500)	(40,200)	
.07	Group 7		<del>  </del>	(220,500)	(179,000)	-		(600)	(48,900)	<del></del>
	W	-	1	296,500	69,800	(a. aaa	SE 000		<u> </u>	
07.01	Drains		1	290,700	09,000	60,900	95,800	8,000	62,000	295,500
	T - ( ) - (		╂──┤	1,355,500	357.350	894.128	- 050	<del> </del>	-2 (	
14	Pumping Substations Group 1	<del> </del>	$\vdash$	(137,600)	17 370	(109,400)	5,822	<del> </del>	98,600	1,287,000
.01		<del> </del>	<del>                                     </del>	(141,200)	(18,200) (16,240)	(105,938)	/r 0003	<del> </del>	(10,000)	
	Group 2 Group 3	<del> </del>	<del>  </del>	(196,700)	(58,770)	(123,430)	(5,822)	<del>                                     </del>	(10,200)	
.03			<del>  </del>	(229,600)		1157.4301		<del> </del>	(14,500)	
.ok	Oroup 4	<del> </del>	1	(221,200)		(141,900) (141,110)		<del> </del>	(16,600)	<del></del>
.05 .06	Group 5	-		(192,300)	(63,890)	(114,800)			(16.200)	
	Oroup 6	-	<b> </b>			(114,800)		<del>                                     </del>	(13,800)	
.07	Group 7	<del> </del>		(214,700)	(70.500)	(140,700)		<b>-</b>	(15,700)	
.09	Unit B Relifts			(22,600)	(7,150)	(13,850)		<del> </del>	(1,600)	
					سيب مريوسيد		المراجع المراجع	Access of the last		<u> </u>
	Subtotal - Unit B	ļ		6,686,514	2,626,439	.083.129	162,346	24,000	790,600	6,351,900
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These items by forth the total estimate to \$11,395,000 as suthorized by P. L. 864, Slat Consress, 2nd Session. Palisades Storage 71,000 Amorican Falls Storage sattilitad agazota 000,007 Settler Assistance Transitional Irrigation Development 000'55 \$ The total costs shown above do not include the following costs: 000 ' ቱይ 000,109.0 002,785.1 941,871 #TE'965'E 040'E99'4 000'55L'6 TOTAL COST 000 HDE Subtations and Julot - Laterides 004.20T. 72,500. 7,420,686 1,044,186 Section (Section Consult) TO 5T 005'919 0051219 72,500 30t ,000 300,000 STREET PROPERTY OF THE PROPERT 744,186 EL 006'LLT'T 98T 44L Valuation to the second second (B) as much light the light party of (1) (11) (01) (6) (8) (1) (9) (9) (4) (E) NOITHIRDEAD Uniform Cost Classification Previous Official etimute Supplies Coata Facilities Confracts Estunate ISOD Quantily Paper andienals Brib Other Construction Construction Total ħηΠ . (d pewiddy \_\_b\_lo\_S\_teed2 Prepared by:---Date of Estimate: Petrugry 1955. **ESTIMATE** FULL CREV, BEPT, 1968) NOTTAMAJOSH TO UASHUE OFFICIAL MODIFIED THE PURCHETHANGED Project: <u>Minidoka</u> MATATE LIPTING

00L'ESL'T 10,000 004 434 15,000 501,005 316,509 1,651,000 A 31nu - Latotdua 7 100 000'8 20,000 Relift Fumping Substations 80. 20,000 10,600 000 B 20,000 PURPLING BUBBLATIONS ηT (009 9 רדיססטד (605,4) (16.800) STINGTHIES (27,200) O.E. (00% L) (000 T) (75,400) Open Channels and Wells (000 tt) OF. (000° (E) 000 1 t 50. `5'000 009 HT 000,62 enterd A stad 15 100 000.62 000' fit Zo 2,000 008 ST 008'5T TS'100 50,000 (05+15T) . Helift Pumps, utc. (001 4) (05) (DOD'TT) 64 MATERIARY (00) 5/(1) (058 (OCO THE) (054, 784) (000°0T) (oot) (55,000) 135 1001 Relift Biructures 790,000 7000 000 TT 364,000 000 055 ainter A trul OT 590,000 000'09T 536,000 IATERALS - 13,650 acres 90 1,000 000°TT 7000 HDF Checks and Turnouts . ZE\* (000,3) (000) (O55'ZT) (SQ'720) (cog'os) (oso'z) (009 ' hE) (05B 't) (000 ' LS 9E. (000'51) (00217) fanco bantinii PARTITUE ANDREASE (000'2) (200) 25,000 25,000 2,000 E कियान दिवयन 10 OCO 18 755,000 2,000 000'25 000 tu CANALE AND CONDUITE 50 Vecessi 11000 (001) (001) (300) 705 (TO' HOO) \$,000) (35,400) (8, 260) (8, 260) (4, 055) Miscellaneous Bouloment 다. 당한 (5,000) (20,720) (2,065) (8,200) VCCERBOLA EJOCEFFICET BONTONOCE (500,41) (330,400) (000'01) Pumps and Prine Mayers Lines Hand (000'T) Manual Property and Section of the Control of the C -cΕ (008,f) S27'000) (000,BY) (<u>Jē</u> 000) (0011) 520,000 ( 327.700 ĒE, 172,705 Main Mamping Mant - 1840 to 1 in., 163 ft. hend TÖ. 000 422 000 422 000'5 952,830 STO'TSS 007,500 00015 772,705 510,132 952,600 PARPING PLANTS CHARGE CONTRACTOR EO 中心 18.100年的共和国的 (a) Charles and Carlotte 711 (11) (01) (2) (9) **(G)** (E) (6) (8) 14) иотчіревонітіом Uniform Cost Classification Estimate Sailqqu2 31900 Facilities Contracts etomita∃ Cost **Ytitnau**O loial 110 TODOL Anderials and DIPEL Construction Construction lateT finU Previous 2201 <u>vranzdef</u> stomited to stod - Ya paraiddy: Prepared by:-----**ESTIMATE** (Spelliers Win) I-re Minor OFFICIAL NOTTAMALETEN YOULKERUS Project: Minidoles DEPARTMENT OF THE INTERNOR

Derive 3 - 10, 645 acres 75,500 005 000'551 000 P6T £01 Oxond 5 - H.784 acres 005 HE 2,600 **५मम** हरा 161,179 50, 001 455 006 84 000 555 D09 D00 1 13,650 170,041 122 622 Group 1 - 7,334 acres TO. HS4 LAU <u> หียีย์ รับ</u> 18,200 9T6'06T'T EIARRIA T'295'000 90 in tilling, conting and equipment QE. (005't) (OOT) (THE'T) (PET'Z) (318,01) (169'51) 169'51 T'ET'E BLISH HOLLAVISAGO `005°T COT THET 70'879 OT. (000°L) (61,600) Control equipment (008,05) ያካ<sup>•</sup> (050'T) PARTO BILL DOLOFE \$8' 600) (203,865) (009'9T) (STE OTE) 04" (000 07) (OE) (000, 151) (054,4) (02,64) (054,4) Builded ban Bailling et. (200) (1'150) (8,800) Butaues 70, Group 7 - 28 velle 006 91 1'750 386,265 009 HLT 008,t Control equipment (002.43) (052) (005,25) (ठ०घ'टा (052195) 84 37.200) (טוני פויט) (000) (057) (७७२ 'उन्ट) (10,200) PARTOE AND BOTTO 라. 만. 100Z'II) ליסטייטטטרי าใบรับวักบับ Delling and teating (001) ोक्टां (GB) (00L'T) रेक्ट्रा टी Entons' 90 158,000 38,000 009 T 099 S79,460 OHLTIN BILLS O TT WELLE TONELLING LOXINON (005°L) (001'22) (OZO'4H) (320) (0.8, £2) (000 OF (092'1) (19'005) (024'54£) (005'751) Pumps and motors Ōή (500,410) 9E ' (11'200) (054) (000'541) Buttest has entitled (Treent) Malane ĘĒ. (DE) (3,000) (OE13.4) (002) TITUR OF - 5 GUOTE 005 05 s'100 1,200 15.1 510 2011, 37,1 OTE 265 50, (DE ES) (66, 200) (00h L) (200) (54,140) Control equipment 밝 DATE OUT THE STORE (T 500) (000 '90E) (007, 621 ( 30' 300 ) (16,200) (001'17) (S) (S) (132,000) (099'5ET) Daliling and testing 9E ĘĒ. (3°500) (000'5) Keneing (005) 64, 600 7'580 302,560 OHE BOT OBLIERS Droup 4 - 32 velle 5,000 ήΟ. Control continuent (000 7.) (300) (OOO'TO) (000'25) (00, 0-) 하 (25,300) (25,300) STOTOR DAR BOME (T'000) (599,000) (OCO, 11.1) (392,100) (Signal) (131,000) (080, 25.5) Drilling and teating 먎 (000'E) Burguar (505) (T':500) (IF 150) 1,600 1'500 372,000 73t 000 OOF FEE atten of - E quota EO. (118,F) (20,40S) (402,02) Control equipment 84 STEE 20,400) (4,900) 2,200) 1,200) 4,500) (4)0'091 (000) (HEZ\*TT) (0)2'012 Pumps and motors (005°G) (001) (650'06) TOLE TITE Drilling and testing Fencing continues SS - S duoxo (00E) (OOL) (083) (502,500) (034, F) 101 301 OUL <u>" 17 '507</u> 50, 00T E 005 T THE BY HERE IO. 59,200 T 500 6EZ TE TLOTTE 625 an allan of - I quoto नंदी देहीं ह 3,326,912 562,000 1,005,372 THER METTE . SPING CARROL CO. N. ήO 75,000 4C, 840 5'100'00T 11 成物的现在 (1) (11) (01) (6) (81 (4) (9) (5) (6) (2) DESCRIPTION Clossification Estimota seijddng COSIS Focilities Contracts etomitad 1500 YlitnbuD Official Labor molinu Cost nup Other Construction Construction tinU IntoT Previous Malenals -----Wbbooked by: \_\_\_\_0\_10\_é\_189d2 -:yd benoger9:-Date of Estimate: \_\_\_\_\_\_\_\_\_\_ to etal **ESTIMATE** (SOR) THESE VERSIVES WHEN ------ Rozaltal Bulgmad-shie Litzoli-----OFFICIAL NOCTAMA\_DOTS NO UASSINUE

PERMITMENT OF THE INTERIOR ESTATE OFFICE

Project:\_\_\_\_\_toelor9

These items bring the total estimate to \$11,395,000 as suthorized by P.L. 564, &lat Congress, &d Session. Palisades Storage 000,018 American Falls Storage 000'TL Storage Pacilities 700,007 Settler Assistance Transitional Intimation Development 000'55 \$ The TOIAL COSTS shown shove do not include the following costs: 7,287,500 4TE 965'E 040'E99'4 000'65L'6 LOIVI CORIS 000'T06'6 000 hE PTB. 146 Subtotal - Joint Use Facilities 004'561, T 72,500 000,405 7 750 686 1,044,186 (000 T) (000 ST) (000 E) (000'TT) (006'5TE) (000'64) Committee noting instrument 2r. 11. 6r. (000'0T) (005'66T) Shop Soulment Toons tups Nork Equipment (000'94) Perchase and Equipment ηĽ. (c,000) (005) Transportation Soutment (2,000) (000,14) (2,000) 000 En Office Purnitum, etc. 72,500 (50,020) (200) ST. (5,200)Bernetures and Improvements FE. (000, COE) (350,000) General Service Pecilities and Squiment 000,40E 000, DOE 005\*919 005 LT9 300,000 005,250 CEHENAL PROPERTY ET Transmission Lines 006'LLT'T 381,44r 98T 44L JOINT USE PACILITIES (1) (01) (6) (2) (2) TITT (8) (9) (5) (6) (E) molinU Foot noitealiesolO Estimate seyddng ateoD Facilities Contracts etomie3 1500 Labor Quantity. DESCRIPTION Previous Official Materials Other Construction Construction 10101 tinU -----:yd bevorgg4 -------:yd benoger9 Date of Estimate:\_\_Forwary 1955. **ESTIMATE** 12961 11426 ARM 1-44 PURM North Bilde Punping Division MOLLEND ON MEDICAMPLION OFFICIAL Project: Minidoka DEPARTMENT OF THE INTERIOR SETATE CETTING

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